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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,650	01/09/2002	Hongtao Liao	11345.045001	4660

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EXAMINER

JONES, HUGH M

ART UNIT	PAPER NUMBER
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2128

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

17

Office Action Summary

Application No.

10/030,650

Applicant(s)

LIAO ET AL.

Examiner

Hugh Jones

Art Unit

2128

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26,28 and 30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26,28 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/9/2002.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-26, 28, 30 of U. S. Application 10/030,650, filed 01/09/2002, are presented for examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Regarding claim 20, the phrase "for example" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

5. Regarding claim 20, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

6. Regarding claim 15, the meaning of the claim cannot be determined. "*Apparatus according to claim 1 wherein the apparatus is adapted to produce an output for display on a screen which represents a piece of hardware with which a receiver/decoder may interact.*" The claim is unclear – no prior art is applied since the meaning is unknown. Consequently, no art rejection can be applied.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-14, 16-26, 28, 30 are rejected under 35 U.S.C. 102(a, b) as being clearly anticipated by Liao et al. (WO 98/43165 – of record).

9. Liao et al. disclose :

1) Apparatus for testing an application for a receiver/decoder, comprising means for simulating a function of the receiver/decoder (fig. 5: # 2021, 4001).

2) Apparatus according to claim 1 wherein the apparatus is adapted to run the application (fig. 5: # 2021).

3) Apparatus according to claim 1 wherein the apparatus is adapted to run the application in a first process, and to simulate a function of the receiver/decoder in a second process (does not further limit the simulating).

4) Apparatus according to claim 3 wherein the first and second processes are independent of each other (does not further limit the simulating).

5) Apparatus according to claim 3 wherein the first and second processes are run on the same processor (does not further limit the simulating).

6) Apparatus according to claim 3 further comprising a partitioned memory for enabling the passing of data between the first process and the second process (does not further limit the simulating).

7) Apparatus according to claim 1 wherein the apparatus is adapted to run the application in a first thread and to simulate a function of the receiver/decoder in a second thread (does not further limit the simulating).

8) Apparatus according to claim 7 wherein the first and second threads form parts of a single process (does not further limit the simulating).

9) Apparatus according to claim 7 further comprising a partitioned memory for enabling the passing of data between the first and second thread (does not further limit the simulating).

10) Apparatus according to claim 1 wherein a function of the receiver/decoder is at least partly simulated in software (fig. 5, # 2021, 4001).

11) Apparatus according to claim 1 wherein a function of the receiver/decoder is simulated using hardware which corresponds to hardware in a receiver/decoder (fig. 5: # 2021, 4001).

12) Apparatus according to claim 1, comprising storage means for storing a file containing data which represents data produced by a piece of hardware in a receiver/decoder (page 8, third full paragraph).

13) Apparatus according to claim 1 wherein the apparatus is adapted to produce an output, for display on a screen, which simulates an output of a receiver/decoder (page 12, lines 5-8).

14) Apparatus according to claim 1 wherein the apparatus is adapted to receive as an input data representing data that would be received by a receiver/decoder (MPEG generator # 4045).

16) Apparatus according to claim 1 further comprising an editor for editing the application and apparatus for testing the application (fig. 5: # 2021, 4001, 4004).

17) Apparatus according to claim 16, wherein the editor is adapted to produce an output for display on a screen, and the means for simulating a function of the receiver/decoder is adapted to produce an output for display on the same screen (page 13, lines 1-9).

18) Apparatus according to claim 16 comprising a processor for running both the editor and the means for simulating a function of the receiver/decoder (fig. 5: # 2021, 4001, 4004).

19) Apparatus according to claim 16 wherein the means for simulating a function of a receiver/decoder is adapted to run an application which has been edited by the editor (fig. 5: # 2021, 4001, 4004).

20) Apparatus according claim 1 wherein the function of the receiver/decoder is at least one of receiving and processing input data, for example from a remote control, a keyboard or a communication device such as a modem, decoding video data, producing a video output, tuning into a broadcast signal, communicating with a smartcard, and preferably a function of at least one of the following devices: REMOTE CONTROL, SERIAL, PARALLEL, BUS 1394, MODEM, NETWORK STACK, CLOCK, ICEYBOARD, POINTER, GRAPHIC, PICTURE, AUDIO, VDEO, SERVICE, DISPLAY, SCTV, SCVCR,

SCAUX, POWER, BACKUP, MLOAD, TUNER, and SMARTCARD (inherent aspects of receiver/decoders. In any case, no patentable weight is provided as a consequence of the use of "for example" and "such as" because it is not clear whether the limitations following such phrases are to be considered part of the claim.).

21) A workstation comprising an editor for editing applications, a simulator for simulating a function of a receiver/decoder, and a display for displaying an output of the editor and an output of the simulator (fig. 5, # 4004, 2021, 4013, 4011, 4005).

22) A workstation according to claim 21 wherein the simulator is adapted to run an application which has been edited by the editor (fig. 5, # 4004, 2021, 4013, 4011, 4005).

23) A workstation according to claim 21 wherein the output of the simulator is displayed in a window of the display (page 13, lines 1-9).

24) workstation according to claim 21 wherein an input device for inputting data to the application is simulated in a window of the display (page 13, lines 1-9).

25) A method of testing an application for a receiver/decoder, comprising simulating a function of the receiver/decoder (fig. 5: # 2021, 4001).

26) A method of editing and testing applications comprising editing applications and further comprising the method of testing applications according to claim 25 (fig. 5, # 4004, 2021, 4013, 4011, 4005).

28) A computer readable medium having stored thereon a program for carrying out a method of testing an application for a receiver/decoder, the method comprising simulating a function of the receiver/decoder (fig. 5: # 2021, 4001).

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30) A computer program product comprising a program for carrying out a method of testing an application for a receiver/decoder, the method further comprising simulating a function of the receiver/decoder (fig. 5: # 2021, 4001).

10. Any inquiry concerning this communication or earlier communications from the examiner should be:

directed to: Dr. Hugh Jones telephone number (571) 272-3781,

Monday-Thursday 0830 to 0700 ET,

or

the examiner's supervisor, Jean Homere, telephone number (571) 272-3780.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist, telephone number (703) 305-3900.

mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-9051 (for formal communications intended for entry)

or (703) 308-1396 (for informal or draft communications, please label *PROPOSED* or *DRAFT*).

Dr. Hugh Jones

Primary Patent Examiner

September 17, 2005

HUGH JONES Ph.D.
PRIMARY PATENT EXAMINER
TECNOLOGY CENTER 2100